

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

JEFFERSON GRIFFIN,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS,

Defendant.

Case No. 5:24-cv-00731-BO

**PROPOSED ANSWER (Never Residents  
Petition)**

**NORTH CAROLINA ALLIANCE FOR RETIRED AMERICANS, VOTEVETS ACTION  
FUND, SARAH SMITH, AND JUANITA ANDERSON’S PROPOSED ANSWER TO  
PLAINTIFF’S VERIFIED PETITION FOR JUDICIAL REVIEW (NEVER RESIDENTS  
PETITION)**

Proposed Intervenor-Defendants the North Carolina Alliance for Retired Americans (“the Alliance”), VoteVets Action Fund (“VoteVets”), Sarah Smith, and Juanita Anderson (together, “Proposed Intervenor”) answer Plaintiff’s Verified Petition for Judicial Review (“Never Residents Petition”),<sup>1</sup> *see* ECF No. 1-4, as follows:

The Petition begins with an unnumbered paragraph to which no response is required. To the extent a response is required, the Proposed Intervenor incorporate by reference the below paragraphs as their response, deny the allegations, and deny that Plaintiff is entitled to any relief.

**INTRODUCTION**

1. Proposed Intervenor admit that on December 13, 2024, the State Board of Elections dismissed three categories of election protests and that Plaintiff’s Never Residents

---

<sup>1</sup> This challenge is sometimes referred to elsewhere as the Non-Resident Challenge. Proposed Intervenor refer to it in this Answer as the Never Residents challenge—as Judge Griffin does in his petition. Proposed Intervenor do not agree, however, that any of the challenged voters do not satisfy the applicable residency requirements to vote in North Carolina.

Petition, ECF No. 1-4, seeks judicial review of the State Board's dismissal of one of those protests. Proposed Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in the first sentence of Paragraph 1 and therefore deny them. The remainder of Paragraph 1 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

### **PARTIES AND NATURE OF THE ACTION**

2. Proposed Intervenor admit that Plaintiff is a judge on the North Carolina Court of Appeals, and that he was the Republican candidate in the 2024 general election for Seat 6 of the Supreme Court of North Carolina. The remainder of Paragraph 2 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

3. Admitted.

4. Paragraph 4 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

5. Paragraph 5 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admit that Allison Riggs is the Democratic nominee for associate justice of the North Carolina Supreme Court. Proposed Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations in Paragraph 5 and therefore deny them.

## **JURISDICTION AND VENUE**

6. Paragraph 6 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the cited statute contains the quoted text and deny the remaining allegations in Paragraph 6.

7. Proposed Intervenor admits that on December 13, 2024, the State Board of Elections entered a final decision dismissing three categories of election protests. Proposed Intervenor lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 7 that “the decision was placed in the mail for service on Judge Griffin via FedEx on 13 December 2024,” and therefore deny them. The remainder of Paragraph 7 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

8. Paragraph 8 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 8 and therefore deny them.

## **BACKGROUND**

9. Proposed Intervenor lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 9 and therefore deny them.

10. The cited document speaks for itself. Further, Paragraph 10 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the State Board of Elections assumed jurisdiction over three categories of protests, and deny the remaining allegations in Paragraph 10.

11. Admitted.

12. Paragraph 12 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits the Board considered the adequacy of Judge Griffin's service of the protests on voters, but otherwise deny the remaining allegations in Paragraph 12.

13. Paragraph 13 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

14. Paragraph 14 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the cited code contains the quoted text and deny the remaining allegations in Paragraph 14.

15. Paragraph 15 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 15 and therefore deny them.

16. Paragraph 16 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admits that the State Board of Elections concluded, "by a vote of 3 to 2, that the protests were not properly served on affected parties required to receive service of copies of the protest filings and therefore do not substantially comply with N.C.G.S. § 163-182.9," Ex. A, Decision & Order 14, ECF No. 1-4, and deny the remaining allegations in Paragraph 16.

17. Paragraph 17 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

18. Paragraph 18 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

19. Paragraph 19 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 19 and therefore deny them.

20. Paragraph 20 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

21. Paragraph 21 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 21 and therefore deny them.

22. Paragraph 22 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor admit that the State Board of Elections concluded “by a vote of 3 to 2, that this category of protests does not allege a violation of law, irregularity, or misconduct in the conduct of the general election,” Ex. A, Decision & Order 32, ECF No. 1-4, and deny the remaining allegations in Paragraph 22.

## **EXCEPTIONS AND GROUNDS FOR RELIEF**

23. Paragraph 23 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

24. Proposed Intervenor deny Plaintiff's "exceptions to the decision" of the State Board of Elections.

25. Paragraph 25 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny Plaintiff's "exception."

26. The cited document speaks for itself. Further, Paragraph 26 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny Plaintiff's "exception."

27. The cited document speaks for itself. Further, Paragraph 27 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny Plaintiff's "exception."

28. The cited document speaks for itself. Further, Paragraph 28 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny Plaintiff's "exception."

29. The cited document speaks for itself. Further, Paragraph 29 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny Plaintiff's "exception."

30. The cited document speaks for itself. Further, Paragraph 30 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny Plaintiff's "exception."

31. The cited document speaks for itself. Further, Paragraph 31 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. To the extent a response is required, Proposed Intervenor deny Plaintiff's "exception."

### **RELIEF SOUGHT**

Proposed Intervenor deny that Plaintiff is entitled to any relief.

### **GENERAL DENIAL**

Proposed Intervenor deny every allegation in Plaintiff's Verified Petition for Judicial Review that is not expressly admitted herein.

### **AFFIRMATIVE DEFENSES**

1. Plaintiff's claims are barred because they seek relief inconsistent with the United States Constitution.

2. Plaintiff's claims are barred because Plaintiff seeks relief inconsistent with federal and state law.

3. Plaintiff's claims are equitably barred, including (but not limited to) because of laches.

4. Plaintiff has waived the right to bring some or all of his claims.

5. Plaintiff has failed to state an adequate claim for relief.

6. Proposed Intervenor reserve the right to amend this Answer at a later time.

WHEREFORE, having fully answered Plaintiff's Verified Petition for Judicial Review, Proposed Intervenor pray for judgment as follows:

- A. That the Court dismiss Plaintiff's Verified Petition for Judicial Review;
- B. That judgment be entered in favor of Proposed Intervenors and against Plaintiff on Plaintiff's Verified Petition for Judicial Review and that Plaintiff takes nothing thereby;
- C. That Proposed Intervenors be awarded reasonable attorneys' fees and costs under any applicable statute or equitable doctrine; and
- D. For such other and further relief as the Court deems appropriate.



Dated: December 30, 2024

Respectfully submitted,

/s/ Narendra K. Ghosh

Narendra K. Ghosh

N.C. Bar No. 37649

PATTERSON HARKAVY LLP

100 Europa Drive, Suite 420

Chapel Hill, NC 27217

Telephone: (919) 942-5200

nghosh@pathlaw.com

Lalitha D. Madduri\*\*

Christopher D. Dodge\*

Tina Meng Morrison\*\*

James J. Pinchak\*\*

Makeba A.K. Rutahindurwa\*\*

Julie Zuckerbrod\*

ELIAS LAW GROUP LLP

250 Massachusetts Ave, N.W., Suite 400

Washington, D.C. 20001

Telephone: (202) 968-4490

lmadduri@elias.law

cdodge@elias.law

tmengmorrison@elias.law

jpinchak@elias.law

mrutahindurwa@elias.law

jzuckerbrod@elias.law

*\* Participating via Notice of Special Appearance*

*\*\*Notice of Special Appearance Forthcoming*

*Counsel for Proposed-Intervenors the North  
Carolina Alliance for Retired Americans,  
VoteVets Action Fund, Sarah Smith, and Juanita  
Anderson*